



**IT IS ORDERED as set forth below:**

**Date: August 22, 2023**

*Paul Baisier*

**Paul Baisier  
U.S. Bankruptcy Court Judge**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	CASE NO. 23-54088-PMB
	:	
TRACEY E. BROWN,	:	CHAPTER 7
	:	
Debtor.	:	JUDGE BAISIER
	:	
NEIL C. GORDON, Chapter 7 Trustee for the	:	
Bankruptcy Estate of Tracey E. Brown,	:	
	:	
Movant,	:	
	:	
v.	:	CONTESTED MATTER
	:	
TRACEY E. BROWN,	:	
	:	
Respondent.	:	

**ORDER ON TRUSTEE’S NOTICE OF DEFAULT,  
REQUEST FOR SHOW-CAUSE HEARING, AND  
RENEWED MOTION FOR TURNOVER OF PROPERTY OF THE ESTATE**

On August 1, 2023, Neil C. Gordon, as Chapter 7 Trustee (“**Trustee**”) for the bankruptcy estate (the “**Bankruptcy Estate**”) of Tracey E. Brown (“**Debtor**”) filed *Trustee’s Notice of*

*Default, Request for Show-Cause Hearing, and Renewed Motion for Turnover of Property of the Estate* [Doc. No. 49] (“**Trustee’s Motion**”). The *Order and Notice Scheduling an In-Person Hearing on Debtor’s Motion to Appeal, Reconsider, or Convert Chapter 7 Case to Chapter 13, and Trustee’s Request for Show Cause Hearing and Renewed Motion for Turnover of Property of the Estate* [Doc. No. 51] was entered by the Court on August 4, 2023, scheduling a hearing for August 21, 2023 (the “**Hearing**”).

In Trustee’s Motion, Trustee seeks an Order from the Court pursuant to Rules 9020 and 2005 of the Federal Rules of Bankruptcy Procedure (a) for Debtor to show cause why she should not be held in contempt for her failure to comply with the prior Order [Doc. No. 43] (the “**Compel Order**”) entered on July 13, 2023; and (b) to have the United State Marshal (i) apprehend Debtor and bring her before the Court without unnecessary delay and by any means necessary and/or (ii) enforce the order for turnover, including removing the Debtor from the premises of that certain real property known generally as 1515 Juneau Way, Grayson, Gwinnett County, Georgia 30017 (the “**Property**”).

The parties present at the Hearing included, Neil C. Gordon, as Trustee and counsel for Trustee, and Trustee’s duly-appointed realtor, Robin Blass (“**Ms. Blass**”) of Harry Norman Realtors. Debtor was not present.

Having reviewed Trustee’s Motion, and based upon the testimony of Trustee and Ms. Blass, the Debtor’s failure to appear, the uncontradicted record in this case, and good cause having been shown, it is hereby

**ORDERED** that Debtor is hereby found in contempt of the Compel Order (the “**Contempt**”). Debtor can abate the Contempt if, on or before August 28, 2023, Debtor complies with the terms of the Compel Order as follows:

- (a) Fully cooperate with Trustee in all respects in accordance with 11 U.S.C. § 521 and Rule 4002;
- (b) Immediately allow Broker access to the premises of the Property to complete an inspection thereof;
- (c) Promptly allow Broker to place a “For Sale” sign in the front yard;
- (d) Promptly provide Broker with a key for the lockbox on the front door;
- (e) Maintain all utilities of the Property;
- (f) Maintain the maintenance of the Property in clean and proper conditions for showings;
- (g) Fully cooperate with Broker and other licensed agents showing the Property; and
- (h) Before the closing of any sale of the property, leave the Property in a clean, broom-swept condition, with all fixtures and appurtenances remaining with and attached to the Property.

It is further

**ORDERED**, that if Debtor has not abated her Contempt on or before August 28, 2023 (the “**Contempt Deadline**”), she must vacate the Property with all fixtures and appurtenances remaining with and attached to the Property. If Debtor fails to fully abate the Contempt by the Contempt Deadline, Debtor must immediately turnover the Property to the Trustee. It is further

**ORDERED**, if Debtor fails to turn over the Property to the Trustee by September 18, 2023, without unnecessary delay, and by any and all means, on a day and time to be determined by Trustee and the United States Marshals Service (“**USMS**”), the USMS is authorized and directed to remove Debtor from the Property, and to deliver full and quiet possession of the Property to Trustee *instantly*, at which time, Trustee will (a) retain the service of a locksmith to change and padlock all locks on the premises and secure the Property and (b) affix public notice that the

Property under the jurisdiction of the Federal Bankruptcy Court, pursuant to 11 U.S.C. § 541. It is further

**ORDERED** that the USMS is further authorized and directed to use reasonable force to gain entry into the Property, including breaking any locks on gates and/or doors on the Property. Furthermore, the USMS is authorized and directed to take all necessary actions, including, but not limited to, the use of reasonable force for the stated purpose and to arrest any and all persons who obstruct, interfere or attempt to interfere, in any way with the execution of this Order. It is further

**ORDERED** that the USMS shall promptly furnish an invoice to the Trustee for reimbursement of any charges it has incurred in complying herewith, which Trustee is authorized and directed to pay to the USMS.

**[END OF DOCUMENT]**

Prepared and presented by:

TAYLOR ENGLISH DUMA LLP  
*Attorneys for Trustee*

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